

# **EXHIBIT “A”**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY AND STATE FARM FIRE AND CASUALTY  
COMPANY,

Case No.: 1:21-cv-05523 (MKB)(PK)

PLAINTIFFS,

v.

OPTIMUM HEALTH ACUPUNCTURE P.C., ET AL.

DEFENDANTS.

**DEFENDANTS OPTIMUM HEALTH ACUPUNCTURE, P.C., AND VADIM  
DOLSKY'S ANSWER AND AFFIRMATIVE DEFENSES TO SECOND AMENDED  
COMPLAINT**

Defendants Optimum Health Acupuncture, P.C. (“Optimum”), and Vadim Dolsky (“Dolsky”), and hereinafter collectively referred to as (“Dolsky Defendants”), by and through their undersigned counsel and pursuant to Federal Rules of Civil Procedure 8(b), 8(c), and 13 for their Answer and Affirmative Defenses to the Second Amended Complaint (ECF #388, the “Complaint”) filed by plaintiffs State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company (together, “Plaintiffs”) allege as follows:

**I. NATURE OF THE ACTION**

1. The Dolsky Defendants deny the allegations in Paragraph 1 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 insofar as they are alleged against other defendants, and therefore are deemed denied.

**A. The Scheme**

2. The Dolsky Defendants deny the allegations in Paragraph 2 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 insofar as they are alleged against other defendants, and therefore are deemed denied.

3. The Dolsky deny the allegations in Paragraph 3 insofar as they are alleged against the Dolsky; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 insofar as they are alleged against other defendants, and therefore are deemed denied.

4. The Dolsky deny the allegations in Paragraph 4 insofar as they are alleged against the Dolsky Defendants, and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 insofar as they are alleged against other defendants, and therefore are deemed denied.

**1. Moshe's History in the No Fault Business Leads to the Creation and Development of the Moshe ASCs**

5. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore are deemed denied.

6. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6, and therefore are deemed denied.

7. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7, and therefore are deemed denied.

8. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8, and therefore are deemed denied.

**2. The Citimedical Defendants and Dr. Moshe Are Used to Generate Patients for the Moshe ASCs and as Another Method to Extract Profits from No Fault Patients**

9. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9, and therefore are deemed denied.

10. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10, and therefore are deemed denied.

11. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11, and therefore are deemed denied.

**3. Shapiro and the Metro Pain Clinics Treat Patients Pursuant to Kickbacks and Generate Patients for the Moshe ASCs**

12. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12, and therefore are deemed denied.

13. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 insofar as they are alleged against other defendants, and therefore are deemed denied.

14. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14, and therefore are deemed denied.

15. The Dolsky Defendants deny the allegations in Paragraph 15.

16. The Dolsky Defendants deny the allegations in Paragraph 16.

17. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17, and therefore are deemed denied.

18. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18, and therefore are deemed denied.

**4. Patients of the Citimedical Defendants and Metro Pain Clinics Receive Other Services Relating to Procedures Performed at the Moshe ASCs**

18. The Dolsky Defendants deny the allegations in Paragraph 18 insofar as they are alleged against the Dolskyt Defendants, and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 insofar as they are alleged against other defendants, and therefore are deemed denied.<sup>1</sup> Vadim Dolsky admits having an ownership interest in TopLab.

**5. Other Coordinated Steps to Source No-Fault Patients**

19. The Dolsky Defendants deny the allegations in Paragraph 19.

20. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20, and therefore are deemed denied.

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<sup>1</sup> There are two paragraph “18” s in the Second Amended Complaint, which are answered herein in their respective order.

21. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21, and therefore are deemed denied.

22. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22, and therefore are deemed denied.

**B. Impact of the Scheme**

23. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23, and therefore are deemed denied.

24. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and therefore are deemed denied.

25. The Dolsky Defendants deny the allegations in Paragraph 25 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 insofar as they are alleged against other defendants, and therefore are deemed denied.

26. The Dolsky Defendants deny the allegations in Paragraph 26 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 insofar as they are alleged against other defendants, and therefore are deemed denied.

27. The Dolsky Defendants deny the allegations in Paragraph 27 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 insofar as they are alleged against other defendants, and therefore are deemed denied.

## **II. JURISDICTION AND VENUE**

28. The allegations in Paragraph 28 state legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants admit that the Complaint purports to allege RICO claims and deny that those claims are properly alleged or have any merit.

29. The allegations in the first sentence Paragraph 29 state legal conclusion to which no response is required. The Dolsky Defendants neither admit nor deny the remaining allegations in Paragraph 29 insofar as they are alleged against the Dolsky Defendants; and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 29 insofar as they are alleged against other defendants, and therefore are deemed denied.

30. The allegations in Paragraph 30 state legal conclusions to which no response is required.

## **III. THE PARTIES**

### **A. Plaintiffs**

31. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32.

### **B. Defendants**

#### **1. The Citimedical Defendants**

33. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33.

34. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35.

36. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36.

37. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

## **2. The Metro Pain Defendants**

38. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38.

39. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. The Dolksy Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

**3. The Alon Defendants**

41. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

45. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

**4. Dolsky and Optimum Health**

46. Dolsky admits that he maintains a residence in Suan Juan, Puerto Rico and in New Jersey. Dolsky Defendants deny the truth of the remaining allegations in Paragraph 46.

47. Optimum Health admits the allegations contained within Paragraph 47 pertaining to Optimum Health's principal place of business. Dolsky Defendants admit the allegations contained within Paragraph 47 that Dolsky owns Optimum Heath. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 47.

**5. The Moshe ASCs**

48. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

51. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

## **6. The Physical Therapy Defendants**

53. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53, and therefore are deemed denied.

54. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54, and therefore are deemed denied.

55. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55, and therefore are deemed denied.

56. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56, and therefore are deemed denied.

57. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57, and therefore are deemed denied.

58. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and therefore are deemed denied.

59. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59, and therefore are deemed denied.

60. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60, and therefore are deemed denied.

61. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61, and therefore are deemed denied.

62. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62, and therefore are deemed denied.

63. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63, and therefore are deemed denied.

64. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64, and therefore are deemed denied.

65. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65, and therefore are deemed denied.

66. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66, and therefore are deemed denied.

67. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67, and therefore are deemed denied.

68. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68, and therefore are deemed denied.

69. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and therefore are deemed denied.

70. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and therefore are deemed denied.

## 7. The Chiropractor Defendants

71. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71, and therefore are deemed denied.

72. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72, and therefore are deemed denied.

73. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73, and therefore are deemed denied.

74. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74, and therefore are deemed denied.

75. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75, and therefore are deemed denied.

76. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76, and therefore are deemed denied.

77. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77, and therefore are deemed denied.

78. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78, and therefore are deemed denied.

79. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79, and therefore are deemed denied.

80. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80, and therefore are deemed denied.

81. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81, and therefore are deemed denied.

82. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82, and therefore are deemed denied.

83. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83, and therefore are deemed denied.

**8. The Acupuncture Defendants**

84. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84, and therefore are deemed denied.

85. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85, and therefore are deemed denied.

86. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86, and therefore are deemed denied.

87. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87, and therefore are deemed denied.

88. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88, and therefore are deemed denied.

89. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89, and therefore are deemed denied.

90. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90, and therefore are deemed denied.

91. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91, and therefore are deemed denied.

92. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92, and therefore are deemed denied.

93. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 93, and therefore are deemed denied.

94. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94, and therefore are deemed denied.

#### **9. The Anesthesia Defendants**

95. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95, and therefore are deemed denied.

96. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96, and therefore are deemed denied.

#### **10. The Laboratory Defendants**

97. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97, and therefore are deemed denied.

98. Dolsky denies the allegations contained in Paragraph 90 alleging he is co-owner in Atlantic Diagnositc. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 98, and therefore are deemed denied.

99. The Dolsky Defendants neither admit nor deny truth of the allegations in Paragraph 99.

100. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100, and therefore are deemed denied.

#### **11. The Billing Company Defendants**

101. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101, and therefore are deemed denied.

102. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102, and therefore are deemed denied.

#### **12. The DME Defendants**

103. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103, and therefore are deemed denied.

104. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104, and therefore are deemed denied.

#### **IV. ALLEGATIONS COMMON TO ALL COUNTS**

##### **A. The New York No-Fault Laws**

###### **1. Claims for Payment Under the No-Fault Laws**

105. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

106. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106, and therefore are denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

107. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107, and therefore are deemed denied.

108. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and therefore are deemed denied.

109. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

**2. The No-Fault Laws Prohibit Ownership of Professional Service Corporations by Unlicensed Laypersons**

110. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

111. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

112. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

113. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

114. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

**3. The No-Fault Laws Prohibit Kickbacks and Referrals Based on Financial Relationships**

115. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

116. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

117. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

118. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

119. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

**4. Services Rendered in Violation of New York Law Are Not Reimbursable**

120. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

121. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

**5. Services Rendered to New York Patients Outside of New York Must Comply with the Law of the Jurisdiction in Which They Are Rendered**

122. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

123. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

**6. New Jersey Law Prohibits Kickbacks and Self-Referrals**

124. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

125. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

126. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

#### **7. Reimbursement for Services Rendered in New Jersey**

127. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

128. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128, and therefore are deemed denied, and respectfully refer the Court to the statutes and laws referred to in their entirety for their full content and meaning.

#### **C. The Fraudulent Health Care Enterprise Created By Moshe, Dr. Moshe, Dolsky, Alon, and Shapiro**

129. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129, and therefore are deemed denied.

**1. Moshe and Alon Get Into the No-Fault Business**

130. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130, and therefore are deemed denied.

**2. Moshe's ASC Business**

131. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131, and therefore are deemed denied.

**a. Excel Surgery**

132. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132, and therefore are deemed denied.

133. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133, and therefore are denied.

134. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134, and therefore are deemed denied.

135. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135, and therefore are deemed denied.

**b. HealthPlus Surgery**

136. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136, and therefore are deemed denied.

137. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137, and therefore are deemed denied.

138. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138, and therefore are deemed denied.

139. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139, and therefore are deemed denied.

140. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140, and therefore are deemed denied.

**c. Surgicare**

141. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141, and therefore are deemed denied.

142. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142, and therefore are deemed denied.

143. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143, and therefore are deemed denied.

144. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144, and therefore are deemed denied.

145. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145, and therefore are deemed denied.

146. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146, and therefore are deemed denied.

147. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147, and therefore are deemed denied.

148. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148, and therefore are deemed denied.

149. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149, and therefore are deemed denied.

150. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150, and therefore are deemed denied.

**d. Citimed Surgery**

151. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151, and therefore are deemed denied.

152. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152, and therefore are deemed denied.

153. The Dolsky Defendants deny the allegations in Paragraph 153 insofar as they are alleged against the Dolsky Defendants, except admit that TopLab performed drug screening; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 insofar as they are alleged against other defendants, and therefore are deemed denied.

**3. Citimedical Clinics Are Established to Profit from Patient Care and Drive Patients Into Moshe's ASCs**

154. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154, and therefore are deemed denied.

155. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155, and therefore are deemed denied.

**a. Dr. Moshe and the Citimedical Clinics**

156. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156, and therefore are deemed denied.

157. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157, and therefore are deemed denied.

158. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158, and therefore are deemed denied.

159. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159, and therefore are deemed denied.

160. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 160, and therefore are deemed denied.

161. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 161, and therefore are deemed denied.

162. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162, and therefore are deemed denied.

163. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163, and therefore are deemed denied.

164. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164, and therefore are deemed denied.

165. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165, and therefore are deemed denied.

166. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166, and therefore are deemed denied.

167. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167, and therefore are deemed denied.

**b. Dolsky and Optimum Health Provide Acupuncture at Citimedical Clinics**

168. Dolsky admits to the allegation contained within paragraph 168 solely pertaining to the allegation that he testified Moshe has been a family friend. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 168, and therefore are deemed denied.

169. The Dolsky Defendants admit the allegations contained within paragraph 169.

170. Dolsky denies the allegation in Paragraph 170 that alleges he serves numerous other roles in the alleged scheme beyond rendering and billing for acupuncture. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 162, and therefore are deemed denied.

**c. The Expansion of Citimedical, Moshe's ASCs, and Services Billed to the State Farm Companies**

171. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171, and therefore are deemed denied.

172. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 172, and therefore are deemed denied.

173. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173, and therefore are deemed denied.

**4. Metro Pain Clinics Are Established to Profit from Patient Care and Drive Patients Into the Moshe ASCs**

174. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174, and therefore are deemed denied.

**a. Metro Pain's Formation and Method of Operations**

175. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175, and therefore are deemed denied.

176. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176, and therefore are deemed denied.

177. The Dolsky Defendants deny the allegations in Paragraph 177.

178. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 178, and therefore are deemed denied.

179. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 179, and therefore are deemed denied.

**b. Metro Pain's Operations at Four Clinic Locations**

180. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 180, and therefore are deemed denied.

**i. 105-10 Flatlands**

181. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 181, and therefore are deemed denied.

182. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 182, and therefore are deemed denied.

183. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 183, and therefore are deemed denied.

184. The Dolsky Defendants deny the knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 184, and therefore are deemed denied.

185. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 185, and therefore are deemed denied.

186. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 186, and therefore are deemed denied.

187. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 187, and therefore are deemed denied.

188. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 188, and therefore are deemed denied.

189. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189, and therefore are deemed denied.

**ii. 204-12 Hillside**

190. The Dolsky Defendants deny the knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 190, and therefore are deemed denied.

191. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191, and therefore are deemed denied.

192. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 192, and therefore are deemed denied.

193. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 193, and therefore are deemed denied

194. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 194, and therefore are deemed denied.

195. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 195, and therefore are deemed denied.

196. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196, and therefore are deemed denied.

197. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197, and are therefore deemed denied.

198. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the the allegations in Paragraph 198 and therefore are deemed denied.

**iii. 717 Southern**

199. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 199 and therefore are deemed denied.

200. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 200 and therefore are deemed denied.

201. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 201 and therefore are deemed denied.

202. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 202 and therefore are deemed denied.

203. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 203 and therefore are deemed denied.

204. The Doslky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 204, and therefore are deemed denied.

205. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 205, and therefore are deemed denied.

206. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 206, and therefore are deemed denied.

207. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 207, and therefore are deemed denied.

**iv. 2451 E. Tremont**

208. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 208, and therefore are deemed denied.

209. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 209, and therefore are deemed denied.

210. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 210, and therefore are deemed denied.

211. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 211, and therefore are deemed denied.

212. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 212, and therefore are deemed denied.

213. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 213, and therefore are deemed denied.

214. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 214, and therefore are deemed denied.

**c. Metro Pain Referred Patients Pursuant to Financial Arrangements**

215. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 215, and therefore are deemed denied.

**d. Financial Arrangements with the Shapiro Defendants**

216. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 216, and therefore are deemed denied.

217. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 217, and therefore are deemed denied.

218. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 218, and therefore are deemed denied.

219. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 219, and therefore are deemed denied.

220. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 220, and therefore are deemed denied.

**e. Shapiro Forms and Begins Billing Through Tri-Borough to Further the Scheme.**

221. The Dolsky Defendants knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 221, and therefore are deemed denied.

222. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 222 and are therefore deemed denied.

223. The Dolsky Defendants knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 223, and therefore are deemed denied.

**5. Affiliated Providers Render Other Services at the Moshe ASCs**

224. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 224, and therefore are deemed denied.

**a. Anesthesia Services Are Used to Advance the Scheme**

225. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 225, and therefore are deemed denied.

226. The Dolsky Pain Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 226, and therefore are deemed denied.

227. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 227, and therefore are deemed denied.

228. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 228, and therefore are deemed denied.

229. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 229, and therefore are deemed denied.

230. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 230, and therefore are deemed denied.

231. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231, and therefore are deemed denied.

232. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 232, and therefore are deemed denied.

**b. Drug Testing Provides Yet Another Opportunity to Profit**

233. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 233, and therefore are deemed denied.

234. Dolsky admits the allegation in Paragraph 234 that in March 2019, Dolsky acquired a 45% interest in TopLab from Gladstein. The Dolsky Defendants deny the remaining allegations in Paragraph 234.

235. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 235, and therefore are deemed denied.

236. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 236, and therefore are deemed denied.

237. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 237, and therefore are deemed denied.

238. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 238, and therefore are deemed denied.

239. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 239, and therefore are deemed denied.

## **6. Coordinated Efforts to Guarantee a Steady and Profitable Flow of Patients**

240. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 240, and therefore are deemed denied.

### **a. Alon and the Beshert Network**

241. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 241, and therefore are deemed denied.

242. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 242, and therefore are deemed denied.

243. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 243, and therefore are deemed denied.

244. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 244, and therefore are deemed denied.

245. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 245, and therefore are deemed denied.

246. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 246, and therefore are deemed denied.

247. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 247, and therefore are deemed denied.

248. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 248, and therefore are deemed denied.

249. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 249, and therefore are deemed denied.

250. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 250, and therefore are deemed denied.

251. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 251, and therefore are deemed denied.

252. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 252, and therefore are deemed denied.

**b. Financing Arrangements with Other Providers Who Refer Patients to the Moshe ASCs for Procedures**

253. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 253, and therefore are deemed denied.

254. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 254, and therefore are deemed denied.

**c. Moshe's Preclearance Procedures to Confirm Patients' No-Fault Benefits**

255. The Dolsky Pain Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 255, and therefore are deemed denied.

**d. Moshe's Use of Transportation Companies to Ensure Patient**

**Travel from New York to New Jersey**

256. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 256, and therefore are deemed denied.

257. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 257, and therefore are deemed denied.

258. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 258, and therefore are deemed denied.

259. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 259, and therefore are deemed denied.

**e. Additional Efforts to Illegally Steer Patients to the Moshe ASCs, the Citimedical Defendants, and the Metro Pain Clinics**

260. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 260, and therefore are deemed denied.

261. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 261, and therefore are deemed denied.

262. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 262, and therefore are deemed denied.

263. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 263, and therefore are deemed denied.

264. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 264, and therefore are deemed denied.

265. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 265, and therefore are deemed denied.

**f. Defendants' Efforts Have Been Extremely Successful and Profitable**

266. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 266, and therefore are deemed denied.

**C. The Legitimate Treatment of Patients with Strains and Sprains**

**1. Diagnoses, Treatment Plans, and Conservative Care**

267. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 267, and therefore are deemed denied.

268. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 268, and therefore are deemed denied.

269. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 269, and therefore are deemed denied.

270. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 270, and therefore are deemed denied.

271. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 271, and therefore are deemed denied.

272. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 272, and therefore are deemed denied.

273. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 273, and therefore are deemed denied.

274. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 274, and therefore are deemed denied.

275. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 275, and therefore are deemed denied.

276. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 276, and therefore are deemed denied.

277. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 277, and therefore are deemed denied.

## **2. Legitimate Acupuncture**

278. The allegations in Paragraph 278 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

279. The allegations in Paragraph 279 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

280. The allegations in Paragraph 280 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

281. The allegations in Paragraph 281 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

282. The allegations in Paragraph 282 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

## **3. Legitimate EDX Testing**

283. The allegations in Paragraph 283 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

**4. Computerized ROM and Muscle Testing**

284. The allegations in Paragraph 284 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

285. The allegations in Paragraph 285 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

286. The allegations in Paragraph 286 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

287. The allegations in Paragraph 287 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

288. The allegations in Paragraph 288 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

289. The allegations in Paragraph 289 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

290. The allegations in Paragraph 290 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

**D. Defendants' Predetermined Treatment Protocol**

291. Deny the allegations in Paragraph 291 insofar as they are alleged against the Dolsky

Defendants; and deny knowledge or information sufficient to form a belief as to all other allegations contained in Paragraph 291, and therefore are deemed denied.

292. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 292, and therefore are deemed denied.

293. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 293, and therefore are deemed denied.

### **1. The Citimedical Defendants' Predetermined Treatment Protocol**

294. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 294, and therefore are deemed denied.

#### **a. Citimedical Defendants' Examinations and Treatment Plans**

295. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 295, and therefore are deemed denied.

296. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 296, and therefore are deemed denied.

297. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 297, and therefore are deemed denied.

298. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 298, and therefore are deemed denied.

299. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 299, and therefore are deemed denied.

300. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 300, and therefore are deemed denied.

301. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 301, and therefore are deemed denied.

**b. Citimedical Defendants' Physical Therapy Treatment**

302. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 302, and therefore are deemed denied.

303. The allegations in Paragraph 303 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

304. The allegations in Paragraph 304 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

305. The allegations in Paragraph 305 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

306. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 306, and therefore are deemed denied.

**c. Citimedical Defendants' Chiropractic Treatment**

307. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 307, and therefore are deemed denied.

308. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 308, and therefore are deemed denied.

309. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 309, and therefore are deemed denied.

310. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 310, and therefore are deemed denied.

311. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 311, and therefore are deemed denied.

312. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 312 and therefore are deemed denied.

313. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 313, and therefore are deemed denied.

314. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 314, and therefore are deemed denied.

315. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 315, and therefore are deemed denied.

**d. Dolsky and Optimum Health's Acupuncture Treatment**

316. The Dolsky Defendants deny the allegations in Paragraph 316.

317. The Dolsky Defendants deny the allegations in Paragraph 317.

318. The allegations in Paragraph 318 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

319. The allegations in Paragraph 319 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

320. The Dolsky Defendants deny the allegations in Paragraph 320.

321. The Dolsky Defendants deny the allegations in Paragraph 321.

322. The Dolsky Defendants deny the allegations in Paragraph 322.

**e. Citimedical Defendants' Hyperbaric Oxygen Therapy**

323. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 323, and therefore are deemed denied.

324. The allegations in Paragraph 324 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

325. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 325, and therefore are deemed denied.

326. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 326, and therefore are deemed denied.

**f. Diagnostic Testing by the Citimedical Defendants**

327. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 327, and therefore are deemed denied.

**i. Citimedical Defendants' Fraudulent Outcome Assessment Tests**

328. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 328, and therefore are deemed denied.

329. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 329, and therefore are deemed denied.

330. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 330, and therefore are deemed denied.

331. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 331, and therefore are deemed denied.

332. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 332, and therefore are deemed denied.

333. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 333, and therefore are deemed denied.

**ii. Citimedical Defendants' EDX Testing**

334. The allegations in Paragraph 334 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

335. The allegations in Paragraph 335 state medical and legal conclusions, and therefore no response is required. To the extent that a response is required, the Dolsky Defendants deny the allegations.

**iii. Citimedical Defendants' Computerized ROM and Muscle Testing**

336. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 336, and therefore are deemed denied.

337. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 337, and therefore are deemed denied.

338. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 338, and therefore are deemed denied.

339. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 339, and therefore are deemed denied.

340. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 340, and therefore are deemed denied.

**iv. Citimedical Defendants' Physical Capacity Tests**

341. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 341, and therefore are deemed denied.

342. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 342, and therefore are deemed denied.

343. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 343, and therefore are deemed denied.

344. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 344, and therefore are deemed denied.

345. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 345, and therefore are deemed denied.

#### **4. Shapiro Defendants' Predetermined Treatment Protocol**

346. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 346, and therefore are deemed denied.

##### **a. Shapiro Defendants' Examinations and Treatment Plans**

347. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 347, and therefore are deemed denied.

348. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 348, and therefore are deemed denied.

349. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 349, and therefore are deemed denied.

350. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 350, and therefore are deemed denied.

351. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 351, and therefore are deemed denied.

352. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 352, and therefore are deemed denied.

353. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 353, and therefore are deemed denied.

354. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 354, and therefore are deemed denied.

355. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 355, and therefore are deemed denied.

356. The Dolsky deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 356, and therefore are deemed denied.

**b. Physical Therapy Defendants' Physical Therapy Treatment**

357. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 357, and therefore are deemed denied.

358. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 358, and therefore are deemed denied.

359. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 359, and therefore are deemed denied.

360. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 360, and therefore are deemed denied.

**c. Chiropractor Defendants' Physical Therapy Treatment**

361. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 361, and therefore are deemed denied.

362. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 362, and therefore are deemed denied.

363. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 363, and therefore are deemed denied.

364. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 364, and therefore are deemed denied.

365. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 365, and therefore are deemed denied.

366. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 366, and therefore are deemed denied.

**d. Acupuncture Defendants' Acupuncture Treatment**

367. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 367, and therefore are deemed denied.

368. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 368, and therefore are deemed denied.

369. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 369, and therefore are deemed denied.

370. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 370, and therefore are deemed denied.

371. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 371, and therefore are deemed denied.

372. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 372, and therefore are deemed denied.

373. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 373, and therefore are deemed denied.

**e. Diagnostic Testing at the Metro Pain Clinics**

374. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 374, and therefore are deemed denied.

**i. Metro Pain Clinics' Fraudulent Outcome Assessment Testing**

375. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 375, and therefore are deemed denied.

376. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 376, and therefore are deemed denied.

377. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 377, and therefore are deemed denied.

378. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 378, and therefore are deemed denied.

379. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 379, and therefore are deemed denied.

380. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 380, and therefore are deemed denied

**ii. Metro Pain Clinics' EDX Testing**

381. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 381, and therefore are deemed denied.

382. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 382, and therefore are deemed denied.

**iii. Metro Pain Clinics' Computerized ROM and Muscle Testing**

383. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 383, and therefore are deemed denied.

384. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 384, and therefore are deemed denied.

385. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 385, and therefore are deemed denied.

**iv. Metro Pain Clinics' Functional Capacity Test**

386. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 386, and therefore are deemed denied.

387. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 387, and therefore are deemed denied.

388. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 388, and therefore are deemed denied.

389. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 389, and therefore are deemed denied.

390. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 390, and therefore are deemed denied.

391. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 391, and therefore are deemed denied.

392. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 392, and therefore are deemed denied.

393. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 393, and therefore are deemed denied.

**v. Metro Pain Clinics' Pf-NCS Tests**

394. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 394, and therefore are deemed denied.

395. The allegations in Paragraph 395 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny

knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 395 and therefore are deemed denied.

396. The allegations in Paragraph 396 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 396, and therefore are deemed denied.

397. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 397, and therefore are deemed denied.

398. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 398, and therefore are deemed denied.

399. 396. The allegations in Paragraph 399 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 399, and therefore are deemed denied.

400. The allegations in Paragraph 400 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 400, and therefore are deemed denied.

401. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 401.

402. The allegations in Paragraph 402 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 402.

403. The allegations in Paragraph 403 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 403.

**f. Metro Pain Clinics' Durable Medical Equipment and Orthotics**

404. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 404, and therefore are deemed denied.

405. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 405, and therefore are deemed denied.

406. The allegations in Paragraph 406 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 406.

407. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 407, and therefore are deemed denied.

408. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 408, and therefore are deemed denied.

409. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 409, and therefore are deemed denied.

410. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 410, and therefore are deemed denied.

411. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 411, and therefore are deemed denied.

412. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 412, and therefore are deemed denied.

413. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 413, and therefore are deemed denied.

414. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 414, and therefore are deemed denied.

415. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 415, and therefore are deemed denied.

416. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 416, and therefore are deemed denied.

417. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 417, and therefore are deemed denied.

418. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 418, and therefore are deemed denied.

419. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 419, and therefore are deemed denied.

420. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 420, and therefore are deemed denied.

### **3. MRI Testing of Patients of the Citimedical Defendants and the Metro Pain Clinics**

421. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 421, and therefore are deemed denied.

422. The allegations in Paragraph 422 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations

in Paragraph 422.

423. The allegations in Paragraph 423 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 423.

424. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 424, and therefore are deemed denied.

425. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 425, and therefore are deemed denied.

426. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 426, and therefore are deemed denied.

427. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 427, and therefore are deemed denied.

428. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 428, and therefore are deemed denied.

429. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 429, and therefore are deemed denied.

430. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 430, and therefore are deemed denied.

431. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 431, and therefore are deemed denied.

**4. Patients of the Citimedical Defendants and the Metro Pain Clinics are Subjected to Injections and Orthopedic Surgery Procedures at the Moshe ASCs**

432. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 432, and therefore are deemed denied.

**a. The Citimedical Defendants' Injections and Surgical Procedures**

433. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 433, and therefore are deemed denied.

434. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 434, and therefore are deemed denied.

435. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 435, and therefore are deemed denied.

436. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 436, and therefore are deemed denied.

437. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 437, and therefore are deemed denied.

438. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 438, and therefore are deemed denied.

439. The allegations in Paragraph 39 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 439.

440. The allegations in Paragraph 440 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations

in Paragraph 440.

441. The allegations in Paragraph 441 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 441.

442. The allegations in Paragraph 442 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 442.

443. The allegations in Paragraph 443 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 443.

444. The allegations in Paragraph 444 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 444.

445. The allegations in Paragraph 445 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 445.

446. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 446, and therefore are deemed denied.

447. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 447, and therefore are deemed denied.

448. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 448, and therefore are deemed denied.

449. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 449, and therefore are deemed denied.

450. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 450, and therefore are deemed denied.

451. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 451, and therefore are deemed denied.

452. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 452, and therefore are deemed denied.

**b. Shapiro Defendants' Injections and Orthopedic Surgery Procedures and Related Services Performed Pursuant to Illegal Kickbacks**

453. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 453, and therefore are deemed denied.

454. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 454, and therefore are deemed denied.

455. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 455, and therefore are deemed denied.

456. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 456, and therefore are deemed denied.

457. The Dolsky Defendants deny the allegations in Paragraph 457.

458. The Dolsky Defendants deny knowledge or information sufficient to

form a belief as to the truth of the allegations in Paragraph 458, and therefore are deemed denied.

459. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 459, and therefore are deemed denied

**5. Patients Who Undergo Procedures at the Moshe ASCs Receive Other Non-Reimbursable Services to Enrich Defendants**

460. The Dolsky Defendants deny the allegations in Paragraph 460.

**a. Anesthesia Services Rendered at the Moshe ASCs**

461. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 461, and therefore are deemed denied.

462. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 462, and therefore are deemed denied.

463. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 463, and therefore are deemed denied.

464. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 464, and therefore are deemed denied.

465. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 465, and therefore are deemed denied.

466. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 466, and therefore are deemed denied.

467. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 467, and therefore are deemed denied.

**b. Urine Drug Testing of Patients Receiving Procedures at the Moshe ASCs**

468. The Dolsky Defendants deny the allegations in Paragraph 468.

469. The allegations in Paragraph 469 state medical and legal conclusions to which no response is required. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations the allegations in Paragraph 469.

470. Paragraph 470 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 470.

471. The Dolsky Pain Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 471, and therefore are deemed denied.

472. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 472, and therefore are deemed denied.

473. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 473, and therefore are deemed denied.

474. The Dolsky Defendants deny the allegations in Paragraph 474.

475. Paragraph 475 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 475.

476. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 476, and therefore are deemed denied.

477. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 477, and therefore are deemed denied.

478. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 478, and therefore are deemed denied.

479. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 479, and therefore are deemed denied.

480. Dolsky admits TopLab is owned by Dolsky, Gladstein, and Frenkel. The Dolsky Defendants deny the truth of the remaining allegations in Paragraph 480.

**c. DME Is Provided to Patients Receiving Procedures at the Moshe ASCs Pursuant to Kickback Payments**

481. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 481, and therefore are deemed denied.

482. Paragraph 482 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 482.

483. Paragraph 483 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 483.

484. Paragraph 484 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 484.

485. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 485, and therefore are deemed denied.

**d. Some Patients Undergoing Procedures at the Moshe ASCs Receive Preoperative Testing at Hudson Regional**

486. Paragraph 486 states medical and legal conclusions to which no response is

required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 486.

487. Paragraph 487 states medical and legal conclusions to which no response is required. To the extent a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 487.

488. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 488, and therefore are deemed denied.

**E. Citimedical Defendants Illegally Operate Under Layperson Control**

489. The allegations in Paragraph 489 state a legal conclusion to which no response is required, and the Dolsky Defendants respectfully refer all questions as to law to the Court. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 489, and therefore are deemed denied.

490. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 490, and therefore are deemed denied.

**F. Citimed Surgery Illegally Operates in Violation of Article 28**

491. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 491, and therefore are deemed denied.

492. The allegations in Paragraph 492 state a legal conclusion to which no response is required, and the Dolsky Defendants respectfully refer all questions as to law to the Court. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 492, and therefore are deemed denied.

493. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 493, and therefore are deemed denied.

494. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 494, and therefore are deemed denied.

495. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 495, and therefore are deemed denied.

**G. Citimedical Defendants Improperly Utilized and Misrepresented the Status of Independent Contractors as Employees**

496. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 496, and therefore are deemed denied.

497. The allegations in Paragraph 497 state a legal conclusion to which no response is required, and the Dolsky Defendants respectfully refer all questions as to law to the Court. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 497, and therefore are deemed denied.

498. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 498, and therefore are deemed denied.

499. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 499, and therefore are deemed denied.

500. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 500, and therefore are deemed denied.

501. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 501, and therefore are deemed denied.

502. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 502, and therefore are deemed denied.

503. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 503, and therefore are deemed denied.

**H. Dynamic Surgery and HealthPlus Surgery Failed to Operate in Compliance with New Jersey Law, and the Facility Fees for Procedures Were Ineligible for Reimbursement**

504. The allegations in Paragraph 504 state a legal conclusion to which no response is required, and the Dolsky Defendants respectfully refer all questions as to law to the Court. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 504, and therefore are deemed denied.

505. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 505, and therefore are deemed denied.

506. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 506, and therefore are deemed denied.

507. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 507, and therefore are deemed denied.

508. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 508, and therefore are deemed denied.

**I. Moshe Acquired and Operated Surgicare in Violation of New York Law**

509. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 509, and therefore are deemed denied.

**J. Dr. Moshe and the Citimedical Defendants Illegally Self-Refer Patients to the Moshe ASCs**

510. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 510, and therefore are deemed denied.

511. The allegations in Paragraph 511 state a legal conclusion to which no response is required, and the Dolsky Defendants respectfully refer all questions as to law to the Court. To the extent that a response is required, the Dolsky Defendants deny knowledge or information sufficient

to form a belief as to the truth of the allegations in Paragraph 511, and therefore are deemed denied.

512. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 512, and therefore are deemed denied therein.

**K. Shapiro Continued to Advance the Predetermined Treatment Protocol through Tri-Borough After Metro Pain Ceased Operation**

513. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 513, and therefore are deemed denied.

**L. Defendants Failed to Verify Their Claims to the State Farm Companies**

514. The Dolsky Defendants deny each and every allegation in Paragraph 514.

515. The Dolsky Defendants deny each and every allegation in Paragraph 515.

516. The Dolsky Defendants deny each and every allegation in Paragraph 516.

**M. Defendant's failed to Verify Their Claims to State Farm Companies**

517. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 517, and therefore are deemed denied.

518. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 518, and therefore are deemed denied.

519. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 519, and therefore are deemed denied.

520. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 520, and therefore are deemed denied.

**N. Justifiable Reliance by State Farm Mutual and State Farm Fire**

521. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 521, and therefore are deemed denied.

522. The Dolsky Defendants deny knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 522, and therefore are deemed denied.

523. The Dolsky Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 523, and therefore are deemed denied.

## **V. CAUSES OF ACTION**

### **RESPONSE TO PLAINTIFFS' FIRST CLAIM FOR RELIEF COMMON LAW FRAUD**

524. The Dolsky Defendants deny each and every allegation in Paragraph 524.
525. The Dolsky Defendants deny each and every allegation in Paragraph 525.
526. The Dolsky Defendants deny each and every allegation in Paragraph 526.
527. The Dolsky Defendants deny each and every allegation in Paragraph 527.
528. The Dolsky Defendants deny each and every allegation in Paragraph 528.
529. The Dolsky Defendants deny each and every allegation in Paragraph 529.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

### **RESPONSE TO PLAINTIFFS' SECOND CLAIM FOR RELIEF AIDING AND ABETTING FRAUD**

530. The Dolsky Defendants deny each and every allegation in Paragraph 530.
531. The Dolsky Defendants deny each and every allegation in Paragraph 531.
532. The Dolsky Defendants deny each and every allegation in Paragraph 532.
533. The Dolsky Defendants deny each and every allegation in Paragraph 533.
534. The Dolsky Defendants deny each and every allegation in Paragraph 534.
535. The Dolsky Defendants deny each and every allegation in Paragraph 535.
536. The Dolsky Defendants deny each and every allegation in Paragraph 536.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of

action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

**RESPONSE TO PLAINTIFFS' THIRD CLAIM FOR RELIEF  
UNJUST ENRICHMENT**

537. The Dolsky Defendants deny each and every allegation in Paragraph 537.
538. The The Dolsky Defendants deny each and every allegation in Paragraph 538.
539. The Dolsky Defendants deny each and every allegation in Paragraph 539.
540. The Dolsky Defendants deny each and every allegation in Paragraph 540.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

**RESPONSE TO PLAINTIFFS' FOURTH CLAIM FOR RELIEF  
RICO VIOLATION OF 18 U.S.C. § 1962(c)**

541. The Dolsky Defendants deny each and every allegation in Paragraph 541.
542. The Dolsky Defendants deny each and every allegation in Paragraph 542.
543. The Dolsky Defendants deny each and every allegation in Paragraph 543.
544. The Dolsky Defendants deny each and every allegation in Paragraph 544.
545. The Dolsky Defendants deny each and every allegation in Paragraph 545.
546. The Dolsky Defendants deny each and every allegation in Paragraph 546.
547. The Dolsky Defendants deny each and every allegation in Paragraph 547.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

**RESPONSE TO PLAINTIFFS' FIFTH CLAIM FOR RELIEF  
RICO CONSPIRACY VIOLATION OF 18 U.S.C. § 1962(d)**

548. The Dolsky Defendants deny each and every allegation in Paragraph 548.
549. The Dolsky Defendants deny each and every allegation in Paragraph 549.
550. The Dolsky Defendants deny each and every allegation in Paragraph 550.
551. The Dolsky Defendants deny each and every allegation in Paragraph 551.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

**RESPONSE TO PLAINTIFFS' SIXTH CLAIM FOR RELIEF  
DECLARATORY JUDGMENT**

552. The Dolsky Defendants deny each and every allegation in Paragraph 552.
553. The Dolsky Defendants deny each and every allegation in Paragraph 553.
554. The Dolsky Defendants deny each and every allegation in Paragraph 554.
555. The Dolsky Defendants deny each and every allegation in Paragraph 555.
556. The Dolsky Defendants deny each and every allegation in Paragraph 556.

WHEREFORE, the Dolsky Defendants demand judgment dismissing this cause of action in its entirety, inclusive of all of Plaintiffs' claims for damages, costs and for such other relief as this Court deems equitable, just and proper.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

557. The Complaint fails to state a cause of action against the Dolsky Defendants.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

558. All or part of Plaintiffs' claims are barred by the doctrine of laches.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

559. The Complaint fails to state a cause of action as it fails to properly allege all requisite elements of a RICO conspiracy under 18 U.S.C. § 1962(c).

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

560. The Complaint fails to state a cause of action as it fails to properly allege all requisite elements of a RICO conspiracy under 18 U.S.C. § 1962(d).

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

561. Plaintiffs have failed to meet statutory and/or legal conditions precedent to bring some or all the allegations contained in the Complaint.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

562. All or part of the Complaint is barred by the statute of limitations.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

563. All or part of Plaintiffs' claims are barred by the doctrines of waiver and/or release apply.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

564. Plaintiffs are not entitled to recovery as they have sustained no harm by reason of the Dolsky Defendants' actions.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

565. Plaintiffs' damages, if any, are subject to set-off and recoupment.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

566. Plaintiffs' claims are barred due to failure to exhaust the necessary and required administrative remedies.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

567. Plaintiffs have failed to plead fraud with requisite particularity pursuant to Fed. Civ. P. 9(b).

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

568. Plaintiffs' claims are barred from being adjudicated in this forum based on the requirement that they submit such claims to binding arbitration.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

569. Plaintiffs cannot show justifiable reliance for an unjust enrichment.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

570. Plaintiffs' claims are barred by the doctrine of estoppel.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

571. Plaintiffs' claims are barred by the doctrines of res judicata and collateral estoppel.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

572. The Dolsky Defendants respectfully reserve their right to supplement, amend and/or revise the foregoing affirmative defenses.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), the Dolsky Defendants demand a trial by jury.

**WHEREFORE**, the Dolsky Defendants demand judgment dismissing Plaintiff's Second Amended Complaint in its entirety and that the Court award such other and further relief including but not limited to an award of the costs and disbursements of this action as well as the attorney's fees sustained in the defense of the within action.

Dated: Williston Park, New York  
March 15, 2024

CAPETOLA & DIVINS, P.C.,

  
ALEXANDRA D. MULE, ESQ.  
BYRON A. DIVINS, JR., ESQ.

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